

**APPROVED 12-17-15**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, November 19, 2015 at the Mildred A. Wakeley Community & Recreation Center, 7 Linsley Street, in Room #1, at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Caren M. Genovese, Vice Chairman  
Donald F. Clark, Secretary  
Joseph P. Villano  
William D. O'Hare, Alternate, sitting for Joel I. Rudikoff

**MEMBERS ABSENT:**

Joel I. Rudikoff  
Jacob M. Piekarski, Alternate  
Robert A. Lockery, Alternate

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator  
Laura A. Magaraci, Zoning Enforcement Officer  
Sandra Lion, Clerk

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:30 PM and stated that application #15-19, 211 North Hill Road, has been withdrawn by the applicant. Then, he introduced the members of the Board, the Town staff, the stenographer and clerk and explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

**A2-SURVEY WAIVER:**

Mr. Clark, Secretary, read the call for the A2-Survey Waiver.

1. #A2W-15-05 Application of Victoria Hine, Applicant and Owner, relative to 3 Phillips Place, (Map 66, Lot 19), seeking a waiver of the A-2 survey application requirement. IL-30 Zoning District.

Mr. Hine and Victoria Hine, owners, presented the application seeking a waiver of the A-2 survey requirement to build a deck on the rear of their house. Then, Mr. Hine submitted a sketch of the deck. The Board asked questions and Mr. Hine, Mrs. Hine and Mr. Fredricksen, Land Use Administrator, responded.

## **PUBLIC HEARINGS:**

Mr. Clark, Secretary, read the call for the first Public Hearing.

1. #15-17      Application of Timothy J. Lee, Applicant, CHMK, LLC, Owner, relative to 476 Washington Avenue, (Map 90, Lot 26), per Section 8.10.3.1, requesting a variance of 20' to allow a liquor permit within 480' of a college, where 500' is required. CB-40 Zoning District.

Attorney Timothy Lee of Fasano, Ippolito and Lee, LLC representing Chis Kyriakis, owner, presented the application to allow a liquor permit within 480' of a college where 500' is required. A service bar only is being proposed. The Board asked questions and Attorney Lee responded.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

Mr. Clark, Secretary, read the call for the last Public Hearing.

2. #15-18      Application of Michael Migliaro, Applicant, Amici Corner Deli, LLC, Owner, relative to 43 Broadway, (Map 66, Lot 4) per Section 4.3.2, requesting a side yard variance of 2.8' to permit a side yard setback of 9.2' where 12' is required and per Section 8.3.3.1, requesting approval to enlarge an existing non-conforming building. CA-20 Zoning District.

Mr. Edward Bruce of 191 Montowese Avenue, representing Michael Migliaro, presented the application to permit a side yard setback of 9.2' where 12' is required for a roof over an existing handicapped ramp. The Board asked questions and Mr. Bruce responded.

Mr. Hannon asked for public comment.

### **Public Comment:**

1. Sherman Katz, 40 Sherwood Drive, spoke in favor of the application.

There being no further public comment, the Public Hearing was closed.

3. #15-19      Application of Jacob Pierkarski, Applicant and Owner, relative to 211 North Hill Road, (Map 14, Lot 67) per Section 2.1.1.9, requesting a side yard variance of 20.3' to permit a side yard setback of 4.7' where 25' is required. R-40 Zoning District.

This application has been withdrawn by the applicant.

## **DELIBERATION SESSION:**

### **A2-SURVEY WAIVER:**

1. #A2W-15-05 Application of Victoria Hine, Applicant and Owner, relative to 3 Phillips Place, (Map 66, Lot 19), seeking a waiver of the A-2 survey application requirement. IL-30 Zoning District.

Mr. Clark moved to approve the application; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye O’Hare – aye

The application was approved.

### **PUBLIC HEARINGS:**

1. #15-17 Application of Timothy J. Lee, Applicant, CHMK, LLC, Owner, relative to 476 Washington Avenue.

Mrs. Genovese moved to approve the application; Mr. O’Hare seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye O’Hare – aye

The application was approved.

In approving the application, the Board stated the following:

1. The variance is limited to a service bar only.
2. The request is reasonable.

2. #15-18 Application of Michael Migliaro, Applicant, Amici Corner Deli, LLC, Owner, relative to 43 Broadway.

Mr. Clark moved to approve the application for the purpose of discussion; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye O’Hare – aye

The application was approved.

In approving the application, the Board stated the following:

1. The variance was approved in accordance with the requirements of the Americans with Disabilities Act.
2. The hardship is health and safety issues.

**OTHER:** None

**CORRESPONDENCE:** None

**MINUTES:**

October 15, 2015

Mr. O'Hare moved to approve the October 15, 2015 meeting minutes; Mrs. Genovese seconded the motion. The Board voted as follows:

Genovese— aye Clark – aye O'Hare – aye

**ADJOURN:**

There being no further business, Mrs. Genovese moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 7:51 PM.